

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA,

Case No. 8:03-CR-77-T-30TBM

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

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**MOTION TO RELIEVE CONDITIONS OF PRETRAIL DETENTION AT
HILLSBOROUGH COUNTY JAIL AND TO FACILITATE REVIEW OF
DISCOVERY EVIDENCE**

COMES NOW, the accused, SAMI AMIN AL-ARIAN, by and through his undersigned counsel, and moves this Honorable Court for the entry of an Order which would ameliorate the conditions of pretrial detention for DR. AL-ARIAN at Orient Road Jail and to facilitate his review of discovery evidence. As grounds for the foregoing, counsel offers the following:

1. The accused is currently confined as a pretrial detainee in the Hillsborough County Jail at Orient Road.
2. Since his relocation from USP Coleman, Dr. Al-Arian has only been allowed recreation 3 times a week. The prison authorities have advised that because Dr. Al-Arian is housed in the Women's Unit at 6 Charlie, he is allowed only a reduced amount of recreation, in contrast to his co-defendant, Mr. Sameeh Hammoudeh, who is housed in the Men's Unit at 1 Charlie and is allowed recreation every day.

3. Dr. Al-Arian has been severely restricted in his phone calls to his attorneys and is often allowed only to call his lawyers in the evening hours when it is far more difficult to locate them.
4. Dr. Al-Arian is severely restricted in the amount of materials allowed in his cell for review. If he wishes to refer to certain discovery documents, e.g. the tech cuts, they are stored in his property and he is required to put in a written request for their review; the response to his request takes, on average, 4 to 5 days to comply. This makes it nearly impossible for Dr. Al-Arian to conduct a meaningful and comprehensive review of the discovery in this case, which continues to be produced by the Government on a weekly basis. Dr. Al-Arian respectfully requests his documents be stored in the adjoining empty cells (which cells have been empty the entire time of his incarceration) so that he may have better access to them and thereby adequately assist in the preparation of his defense.
5. Dr. Al-Arian's utilization of an MP3 player has been limited to certain hours; the accused respectfully requests the allotment of time authorized to use this listening device be augmented in order to complete the review of the ongoing production of CDs by the government, the majority of which concern Dr. Al-Arian.
6. Dr. Al-Arian respectfully requests the ability to use a cassette player in order to listen to the volume of cassettes the government has produced in this case.

7. Finally, Dr. Al-Arian objects to the disparate treatment he is receiving at Orient Road Jail, in contrast to his co-defendant, and submits his Due Process and constitutional rights have been violated in this regard.

WHEREFORE, comes now the Accused and respectfully requests this Court enter an Order relieving the conditions of Dr. Al-Arian's pretrial detention and to facilitate his review of discovery evidence.

Dated: 27 March 2005

Respectfully Submitted,

/s/ Linda Moreno
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27 March, 2005, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and to Stephen N. Bernstein, P.O. Box 1642, Gainesville, Florida 32602, counsel for Sameeh Hammoudeh.

/s/ Linda Moreno
Linda Moreno
Attorney for Sami Al-Arian